

**REMARKS**

Claims 1-10 are pending in this application. By this Amendment, claims 1-10 are amended. No new matter is added by these amendments. Reconsideration based on the above amendments and following remarks is respectfully requested.

**I. Allowable Subject Matter**

Applicant appreciates the indication in the Office Action that claims 5-7 and 10 recite allowable subject matter.

**II. Claim Objections**

The Office Action objects to claims 1-10 for informalities. In claim 1, a (:) is added after the word "set". Applicant respectfully submits that it is more relevant to have this : after the word "set" than after the word "comprising". The words "data storage means" are replaced "a memory". Support for this "memory" is found on page 5, lines 26-28.

Claim 10 is reformulated as required by the Examiner, by replacing "by means of" with "basing on". Claims 2-10 are corrected by replacing "a" with "the" at the beginning of each of these dependent claims. Claim 9 is corrected by replacing "for" with "to" as required by the Examiner. Applicant respectfully submits that the claims as amended obviate the objections. Withdrawal of the claim objections is respectfully requested.

**III. Claim Rejections Under 35 U.S.C. §101**

The Office Action rejects claim 1 under 35 U.S.C. §101 because the claimed invention is directed to the non-salutatory subject matter. Specifically, the Office Action asserts that claim 1 does not list any hardware, (i.e., computer) tied to the steps in order to store results or operate the steps of the claims. The Office Action also asserts that claim 1 lists computation steps in a program without tangible, useful, concrete results because they do not specify an output at the end of the claims.

Applicant respectfully submits that claim 1 is amended in order to include a calculator, tied to the body of the claim to realize its functionality. Also, claim 1 is amended to clarify and specify an output at the end of the claim, as required by the Office Action. Applicant respectfully submits that claim 1 as amended obviates the rejection. Withdrawal of the rejection is respectfully requested.

**IV. Claim Rejections Under 35 U.S.C. §112**

The Office Action rejects claims 4-10 under 35 U.S.C. §112 as being indefinite. Applicant respectfully submits that claims 4-7 as amended obviate the rejection. In claim 7, the antecedent basis for "the modal" is found in claim 6. Withdrawal of the rejection is respectfully requested.

**V. Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-3, and 8-9 under 35 U.S.C. §102(b) as being anticipated by Kohabi et al. (U.S. Patent No. 6,278,464 B1). The Office Action rejects claim 4 under 35 U.S.C. §103(a) as being unpatentable over Kohabi et al. in view of Chickering (U.S. Patent No. 6,505,185 B1). The rejections are respectfully traversed.

The Office Action asserts that Kohabi et al. teaches all the features of claims 1-3 and 8-9, including subdividing the set on the basis of discrete values. However, Kohabi fails to teach this feature. In amended claim 1, each step of subdividing a step is realized as follows (see Fig. 4A); first, a calculator of the computer calculates discrete values for the attributes from the particular initial values of the data attributes of a set, and then, the calculator subdivides the set into subsets as a function of a homogeneity criterion calculator on the basis of the discrete values for the attributes of the set. Thus, in claim 1, the subdivision of the set is realizing the basis of discrete values.

Contrarily, in Kohabi et al., each step of subdividing a set is realized as follows: first, the set is subdivided into subsets on the basis of descriptive attributes (data attributes). Then,

a label (discrete value) is attributed to the data, depending on the subset containing the data. Indeed, the method disclosed in Kohabi et al. is directed to a tribute of label of datum (see col. 1, lines 30-33 and lines 46-54). Thus, attributing the label is the output of the method. Therefore, the method of Kohabi et al. is different from the method of claim 1. Indeed, in claim 1, the discrete value is attributed prior to subdividing the set, since the subdivision is affected on the basis of the discrete values. Therefore, claim 1 is novel in view of Kohabi et al. Moreover, there is no teaching in Kohabi that makes it obvious to suggest a method according to claim 1. Applicant respectfully submits that claims 2-10 are allowable since they are dependent from claim 1.

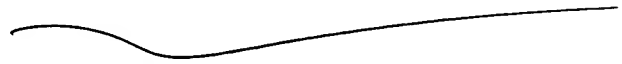
In view of the above remarks, Applicant respectfully submits that claims 1-10 are not anticipated nor rendered obvious by the asserted art. Withdrawal of the rejections is respectfully requested.

#### **VI. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claim are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:EDM/sqb

Attachment:  
Amendment Transmittal

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